

# COMMITTEE REPORT

---

## MADAM PRESIDENT:

The Senate Committee on Corrections, Criminal, and Civil Matters, to which was referred Senate Bill No. 117, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

- 1           Page 1, between the enacting clause and line 1, begin a new  
2 paragraph and insert:  
3           "SECTION 1. IC 35-33-1-1 IS AMENDED TO READ AS  
4 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. (a) A law  
5 enforcement officer may arrest a person when the officer has:  
6           (1) a warrant commanding that the person be arrested;  
7           (2) probable cause to believe the person has committed or  
8 attempted to commit, or is committing or attempting to commit,  
9 a felony;  
10           (3) probable cause to believe the person has violated the  
11 provisions of IC 9-26-1-1(1), IC 9-26-1-1(2), IC 9-26-1-2(1),  
12 IC 9-26-1-2(2), IC 9-26-1-3, IC 9-26-1-4, or IC 9-30-5;  
13           (4) probable cause to believe the person is committing or  
14 attempting to commit a misdemeanor in the officer's presence;  
15           (5) probable cause to believe the person has committed a:  
16           (A) battery resulting in bodily injury under IC 35-42-2-1; or  
17           (B) domestic battery under IC 35-42-2-1.3.  
18           The officer may use an affidavit executed by an individual alleged  
19 to have direct knowledge of the incident alleging the elements of  
20 the offense of battery to establish probable cause;  
21           (6) probable cause to believe that the person violated

1 IC 35-46-1-15.1 (invasion of privacy);  
 2 (7) probable cause to believe that the person violated IC 35-47-2-1  
 3 (carrying a handgun without a license) or IC 35-47-2-22  
 4 (counterfeit handgun license);  
 5 (8) probable cause to believe that the person is violating or has  
 6 violated an order issued under IC 35-50-7; ~~or~~  
 7 **(9) probable cause to believe that the person is violating or has**  
 8 **violated IC 35-47-6-1.1 (undisclosed transport of a dangerous**  
 9 **device); or**  
 10 ~~(9)~~ **(10)** probable cause to believe that the person is:  
 11 (A) violating or has violated IC 35-45-2-5 (interference with  
 12 the reporting of a crime); and  
 13 (B) interfering with or preventing the reporting of a crime  
 14 involving domestic or family violence (as defined in  
 15 IC 34-6-2-34.5).  
 16 (b) A person who:  
 17 (1) is employed full time as a federal enforcement officer;  
 18 (2) is empowered to effect an arrest with or without warrant for a  
 19 violation of the United States Code; and  
 20 (3) is authorized to carry firearms in the performance of the  
 21 person's duties;  
 22 may act as an officer for the arrest of offenders against the laws of this  
 23 state where the person reasonably believes that a felony has been or is  
 24 about to be committed or attempted in the person's presence."

25 Page 1, delete line 6.

26 Page 1, line 7, delete "(3)" and insert "**(2)**".

27 Page 1, line 8, delete "(4)" and insert "**(3)**".

28 Page 1, line 16, delete "Class D" and insert "**Class A**

- 1       **misdemeanor."**
- 2       Page 1, delete line 17.
- 3       Reorder all SECTIONS consecutively.  
(Reference is to SB 117 as introduced.)

**and when so amended that said bill do pass .**

Committee Vote: Yeas 10, Nays 0.

---

**Senator Long, Chairperson**